GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APPSC – Framing of Regulations for punishing the candidates indulging in Malpractices/ Misbehavior in the examinations conducted by the APPSC – Notified.

GENERAL ADMINISTRATION (SERVICES.A) DEPARTMENT

G.O.MS.No. 385 Dated: 18-10-2016
Read:

From the Principal Secretary, APPSC Lr.No.03/RR/2016, Dt:03.02.2016.

Order:-

In the reference read above, the Principal Secretary, APPSC has informed that, the A.P. Public Service Commission has decided to make regulations relating to punishments for Malpractices in the Examinations conducted by A.P. Public Service Commission under Article 320(1) of the Constitution of India and requested to incorporate the same in the A.P. Public Service Commission Regulations as Regulation P.M.E. and to publish the same in A.P. State Gazette.

Government, after careful examination, have accepted the proposal of the A.P. Public Service Commission to incorporate the Regulations proposed by the APPSC to A.P. Public Service Commission Regulations as Regulation P.M.E.

The following Regulations shall be published in Extra-ordinary issue of the Andhra Pradesh Gazette:

NOTIFICATION

In exercise of the powers conferred under Article 320(1) of the Constitution of India, the Governor of Andhra Pradesh is hereby incorporating the following Regulations to A.P. Public Service Commission Regulations as Regulation P.M.E.

1. The Commission shall appoint a Committee for dealing with the cases of malpractices in the examinations under its purview.

On receipt of any report pertaining to Malpractices, the Examination Section shall forward the case(s) to the Malpractices Scrutiny Committee for its recommendations.

The Malpractices Scrutiny Committee shall take into account the reports of the Chief Superintendent, Invigilators, Flying Squads, Observers and the material made available to it and in case the Committee feels that the material available to it in a particular case is sufficient to establish the guilt of the candidate(s) and the candidate(s) had already given the explanation to the Chief Superintendent admitting his / her guilt, it can straight away award punishment.

(a). In case a candidate denies the allegation against him / her, or if the Malpractices Scrutiny Committee feels it desirable, it shall fix a date, time and place for holding an enquiry and give seven days notice to the candidate(s) to give an opportunity to the candidate(s) to be heard by sending the intimation through Registered Post to the address given in the Examination Application. On the date and time mentioned in the notice, the Malpractices Scrutiny Committee shall meet at the place mentioned in the notice and hear the candidate if present. The Committee thereafter takes a decision in the matter. No candidate shall be permitted to represent his / her

case before the Committee through a person other than the candidate(s) himself/herself.

(b) The Malpractices Scrutiny Committee shall make appropriate recommendation(s) to the Secretary of the Commission after giving a reasonable opportunity to the candidate(s) to defend. However no such opportunity is to be given to the candidate(s) if it is a group malpractice.

If a candidate is found guilty of malpractice after declaration of the result, the result shall be cancelled besides awarding him/her the punishment that would have been awarded to him/her, had the facts come to the notice of the Commission before the declaration of the results.

Basing on the report of the Malpractices Scrutiny Committee, the Secretary of the Commission shall examine the facts of the case and decide on the punishment to be awarded.

The nature of offence(s) and the punishment(s) proposed are indicated in the Annexure.

A Candidate who is or has been declared by the Commission to be guilty of attempting to commit or, as the case may be abetting the Commission of all or any of the acts specified in the foregoing clauses.

a. May in addition to rendering himself liable to criminal prosecution under the penal provisions of A.P Public Examinations (prevention of malpractice and unfair means Act) Act 25 of 1997, also be liable for punishment as decided by the commission.

b. If the candidate is already under Government service, the necessary disciplinary action will be proposed as per rules in force and the same may be informed to the department concerned.

7. <u>The Authority for expulsion of candidate(s) from the Examination Hall:-</u>The Chief Superintendent is authorized to initiate the action immediately basing on the written complaint and documentary evidence, if any, of the Invigilator(s) in the presence of the candidate(s) involved in the malpractice/unfair means during the course of Written and online examinations.

The entire process of expulsion of the candidate(s) has to be done preferably in the Chambers of the Chief Superintendent of the Examination or in any separate room available in the Examination Venue to avoid any cause of disturbance to the remaining candidates writing in the Examination Hall.

Further, the Chief Superintendent is directed to report immediately to the Deputy Secretary (Exams)/Assistant Secretary (Exams) of the Commission about the entire process of expulsion of candidate(s) from the Examination Hall. Besides a detailed written report of the Chief Superintendent on the reasons for expulsion of the candidate(s) from the examination has to be sent with the deputed officials for taking further course of action by the Malpractices Scrutiny Committee constituted by the Commission.

Further, as per the penal provisions of A.P. Public Examinations (Prevention of Malpractice and Unfair means Act) Act 25 of 1997, the Chief Superintendent is instructed to lodge a complaint with the concerned Station House Officer (SHO) immediately with all the documents and evidences of malpractices committed by the candidate(s) in the Examination Hall to process the criminal prosecution against the candidate(s).

8. <u>Appellate Authority</u>:- A Candidate aggrieved by the decision of the Malpractices Scrutinizing Committee can appeal to the Commission within 30 days from the date of imposing of punishment. The decision of the Commission, in all respects, is final.

Nature of offence and the scale of punishment is enclosed at Annexure-I.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF THE ANDHRA PRADESH)

SATYA PRAKASH TUCKER
CHIEF SECRETARY TO GOVERNMENT

To
The Prl. Secretary, A.P. Public Service Commission.
The Commissioner of Printing and Stores purchase, Hyderabad (2 copies) for publication of the notification in the next issue of the A.P.Gazette and requested to send 5 copies of the A.P.Gazette in which the notification is published.
Copy to:
The Government of India, Department of Personnel & Administrative Reforms, New Delhi.
P.S. to Chief Secretary.
P.S. to Prl. Secretary to CM.
SC/SF.

// FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE

Item No.	Nature of Offence	Scale of Punishment
1.	A candidate found in possession of any material relevant to the subject of the examination.	
a)	Papers, Books or Note	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all papers of the current examinations apart from action proposed by the M.S.C.
	OR	
b)	Written Notes on any part of the clothes worn by the candidates or any part of his body or any table or desk	
	OR	
c)	Foot rule and or instruments like set squares protractors, slide rules etc., with notes written on them etc.,	
2.	A candidate found having copied or indulging in the copying from any paper book or notes or any other source or if he has allowed or is found allowing any other candidate to copy any matter from his answer book or to have in any manner rendered any assistance to another candidate in solving a question or part of a question set in the question paper or if he is found to have been rendered assistance in solving a question or part of question set in the question paper.	Expulsion from the Examination hall and debarment for the rest of the examinations. Cancellation of the performance in all the papers in the current examinations of both the candidates and debarment for a period of two years for all the examinations conducted by APPSC.
3.	Taking help from any or giving help to any in the examination hall or outside.	Expulsion from the examination hall and debarment for rest of the examinations. Cancellation of the performance in all the papers in the current examination of both the candidates and debarment for a period of two years for all the examinations conducted by APPSC.
4.	Destruction or suppression of the evidence of the forbidden material in any way like swallowing tearing or throwing out etc.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of the current performance in all papers besides debarring from appearance for a period of two years for all the examinations conducted by APPSC.
5.	Tearing off the Answer scripts.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of the current performance in all papers besides debarring from appearance for a period of two years for all the examinations conducted by APPSC.
6.	Candidates or his associates influencing the examiners.	Cancellations of performance in all the papers at the current examination and debarment for a period of two years for all the examinations conducted by APPSC.
7.	Impersonation case.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarment

		for a period of five years for all the examinations conducted by APPSC, for both involved in impersonation.
8.	Substitution of Answer Books.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarment for a period of five years for all the examinations conducted by APPSC.
9.	Writing of answer in the answer books/in any unauthorized papers by his associates in the examination centers or by any person outside other than the candidate	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarment for a period of two years for all the examinations conducted by APPSC. Further, those who connive in such cases should be debarred from any remunerative work of the Commission permanently besides reporting to the management concerned to take disciplinary action.
10.	Inserting of sheets of additional answer books or replacement of answer books written outside the examination hall.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarment for a period of 5 years for all the examinations conducted by APPSC.
11.	Difference of Handwriting in the answer scripts.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarment for a period of 5 years for all the examinations conducted by APPSC.
12.	Possession of answer scripts, additional answer book of another candidate.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations of the both the candidates and the debarment for a period of three years for all the examinations conducted by APPSC.
13.	Candidates writing objectionable abusive or offensive language or letters to the examiners or officers of the Commission requesting them to award pass marks etc.	Cancellation of performance in all t he papers at the current examinations
14.	Abuses, threats, disrespect towards invigilators, Chief superintendents etc., within the School/Colleges premises or outside.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examination. Besides debarring for a period of two years for all the examinations conducted by APPSC.
15.	Physical Assault.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarment

		for a period of three years for all the examinations conducted by APPSC.
16.	A candidate or his associates influencing the Officers of the Commission.	Cancellation of performance in all the papers at the current examinations and debarment for a period of two years for all the examinations conducted by APPSC.
17.	Taking away the Answer Books/ OMR Answer Sheets or leaving the examination hall without handing over the Answer Books/OMR Answer Sheets to the Invigilating staff. Whether returned subsequently or not or tearing away the Answer Books/OMR Answer Sheets.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarring for a period of two years for all the examinations conducted by APPSC.
18.	Copying detected on the basis of internal evidence as (a) during valuation. (b).During special scrutiny.	Cancellation of performance in all the papers besides debarring for a period of one year for all the examinations conducted by APPSC.
19.	Exchange of Roll Numbers on the Answer scripts with a view to give or take help and change of answer books with another examinee.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the *current* examination. Besides debarring the candidates for a period of 5 years for all the examinations conducted by APPSC.
20.	Writing names, initials, other marks of Identification on outside or inside of the answer scripts.	A warning to the candidates, cancellation of performance in all the papers in the current examination if necessary after obtaining the explanation of the candidate depending on the circumstances.
21.	Throwing of Question Papers after writing the answers on it to the other candidates or sending out the question paper during the period of exams.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarring for a period of three years for all the examinations conducted by APPSC.
22.	Possession of Mobile or Electronic Gadgets with the candidates. (including Wi-Fi, Bluetooth and What's App devices etc.)	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarring for a period of three years for all the examinations conducted by APPSC. Besides, the Chief Superintendent may take necessary action against those who are involved in helping the candidates from outside the examination hall.
23.	Submitting fabricated documents or documents which have been tampered with;	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarring for a period of two years for all the examinations conducted by APPSC.
24.	Making statements which are incorrect or false or suppressing material information	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarring

		for a period of two years for all the examinations conducted by APPSC.
25.	Obtaining copy of question paper through improper means.	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarring for a period of 5 years for all the examinations conducted by APPSC.
26.	Candidates involved in ascertaining the particulars of the persons connected with confidential work relating to the examination.	Cancellation of performance in all the papers at the current examinations and debarring for a period of 5 years for all the examinations conducted by APPSC.
27.	Provoking fellow examinees to boycott examination(s), creating a disorderly scene etc.,	Expulsion from the examination hall and debarment for the rest of the examinations. Cancellation of performance in all the papers at the current examinations and debarring for a period of two years for all the examinations conducted by APPSC.
28.	Other items, if any not covered in the above categories.	Expulsion from the examination hall and debarment for the rest of the examinations. Besides necessary action may also be taken as proposed by the Malpractice Scrutiny Committee.

SATYA PRAKASH TUCKER
CHIEF SECRETARY TO GOVERNMENT